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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO.7321 of 2006

Ranganath Shankar Dhongade...Petitioner

Versus

The State of Maharashtara .....Respondent

Mr. C.T. Chandratre, for the Petitioner
Mrs. S.S. Bhende, AGP for Respondent

CORAM : F.I. REBELLO &
R.M.SAVANT, JJ.
DATED : 9TH MARCH, 2007.

P.C.

. The petitioner was promoted from the post of Superintendent to Assistant on 15th June, 2001, but was given deemed date of promotion on 15th September, 1987. It is the case of the petitioner that he is entitled for back wages from 15th September, 1987 to 15th June, 2001 though he has not worked in the post. Earlier the Tribunal had allowed the Original Application filed by the petitioner. Review was filed in which, part of the order was set aside and the petitioner was permitted to make representation. The petitioner made representation which was rejected. Aggrieved the petitioner filed Original Application which is also rejected. It is against this order that the present petition has been filed.

2. We have considered the judgment of the learned Tribunal. On the principle that the petitioner has not worked it is not possible to direct that the petitioner should be paid wages. It is it is not as if, every

promotion should be done immediately when a vacancy arises, unless the action of the Government is shown to be arbitrary. At any rate the petitioner cannot be paid for the period when he has not worked. Considering the above, in our opinion, the impugned order does not suffer from any error apparent on the face of the record. Consequently the petition is rejected. No order as to costs.

(**F.I.REBELLO**, J)

(**R.M.SAVANT,J**.)